

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARILYN SMITH,

Plaintiff,

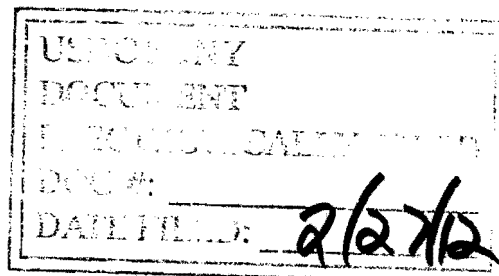
-v-

KATHLEEN SEBELIUS, SECRETARY,  
DEPARTMENT OF HEALTH AND HUMAN  
SERVICES,

Defendant.  
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: 10 Civ. 6356 (JSR) (DF)  
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: ORDER  
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JED S. RAKOFF, U.S.D.J.

On December 28, 2011, the Honorable Debra Freeman, United States Magistrate Judge, issued a Report and Recommendation in the above-captioned matter recommending the dismissal of plaintiff's complaint as untimely under 42 U.S.C. § 2000e-5(f)(1).

Plaintiff has failed to file any objection to the Report and Recommendation, and, for that reason alone, has waived any right to review by this Court. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Mario v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002); Spence v. Superintendent, Great Meadow Corr. Facility, 219 F.3d 162, 174 (2d Cir. 2000). Accordingly, the Court hereby adopts the Report and Recommendation, and, for the reasons therein, dismisses plaintiff's complaint with prejudice. Clerk to enter judgment.

SO ORDERED.

A handwritten signature in cursive script, appearing to read "Jed S. Rakoff".

JED S. RAKOFF, U.S.D.J.

Dated: New York, New York  
February 24, 2012